



NEWS

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(415) 865-7740

Lynn Holton, Public Information Officer

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF NOVEMBER 11, 2002

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#02-179 Home Ins. Co. v. Superior Court, S110328. (B157650; 101 Cal.App.4th 515.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issue: When an insured sues its primary and excess insurers in a single action, are the insurers' interests substantially adverse as a matter of law such that each is entitled to exercise a separate peremptory challenge to the trial judge under Code of Civil Procedure section 170.6?

#02-180 People v. Chavez, S109918. (F034110; 101 Cal.App.4th 88.) Petition for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses. The court ordered briefing deferred pending decision in People v. Lee, S094597 (#01-33), which presents the following issues: (1) In order to be convicted of an attempt to commit willful, deliberate and premeditated murder under Penal Code section 664, subdivision (a), must an aider and abettor personally have acted with premeditation and deliberation? (2) If so, what standard of prejudicial error applies to a failure to so instruct the jury?

#02-181 People v. Frontier Pacific Ins. Co., S110283. (F039693; unpublished opinion.) Petition for review after the Court of Appeal affirmed an order denying a motion to vacate the forfeiture of a bail bond in a criminal case.

(over)

#02-182 People v. Ranger Ins. Co., S110282. (F038083; unpublished opinion.)
Petition for review after the Court of Appeal affirmed an order denying a motion to vacate the forfeiture of a bail bond in a criminal case.

The court ordered briefing in Frontier Pacific and Ranger deferred pending decision in People v. Seneca Ins. Co., S104487 (#02-45), which presents the following issue: Are the requirements of Penal Code section 1166, specifying the findings a trial court must make before releasing a convicted defendant on bail prior to sentencing, applicable where the defendant pleads guilty or no contest or only where the defendant is convicted on a verdict of guilty?

#02-183 People v. Sanchez, S110263. (H022692; 101 Cal.App.4th 324.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in In re Walter S., S099120 (#01-119), which includes the following issue: Does a requirement of registration as a gang offender (Pen. Code, § 186.30) constitute “punishment” for purposes of the cruel or unusual punishment provision of the state Constitution (Cal. Const., art. I, § 7)?

#02-184 Soukup v. Law Offices of Hafif, S109615. (B152759; unpublished opinion.) Petition for review after the Court of Appeal affirmed an order denying a special motion to strike. The court ordered briefing deferred pending decision in Jarrow Formulas, Inc. v. LaMarche, S106503 (#02-106), which presents the following issue: Is a cause of action for malicious prosecution subject to a special motion to strike under the anti-SLAPP statute (Code Civ. Proc., § 425.16)?

#02-185 People v. Whitehurst, S110272. (B151901; unpublished opinion.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in People v. Reliford, S103084 (#02-23), which presents the following issues: (1) Does CALJIC 2.50.01 (1999 rev.) correctly instruct on the burden of proof where evidence of prior sexual offenses is admitted under Evidence Code section 1108? (2) If not, is the error subject to review for harmless error and what is the applicable standard of review?

DISPOSITION

#01-146 People v. Ramirez, S100317, was dismissed and remanded to the Court of Appeal.